

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|--|---|-------------------------------------|
| In Re: |) | Bankruptcy No. 18-21179-CMB |
| Emanuel R. Mori |) | Chapter 13 |
| Debtor |) | |
| Emanuel R. Mori |) | |
| Movant |) | Related to: Document No. 124 |
| vs |) | |
| The Bank of New York Mellon, successor to |) | |
| The Bank of New York, not in its individual |) | |
| capacity but solely as Trustee on behalf of the |) | |
| Holders of the CIT Mortgage Loan Trust, |) | |
| 2007-1 Asset-Backed Certificates, Series |) | |
| 2007-1, c/o Select Portfolio Servicing Inc. |) | |
| City of Pittsburgh, School District of |) | |
| County of Allegheny, PWSA |) | |
| INTERNAL REVENUE SERVICE, |) | |
| COMMONWEALTH OF PENNSYLVANIA, |) | |
| DEPARTMENT OF REVENUE, |) | |
| AND RONDA J. WINNECOUR, |) | |
| CHAPTER 13 TRUSTEE, |) | |
| Respondents |) | |

**AMENDED ORDER CONFIRMING CHAPTER 13 SALE
OF PROPERTY FREE AND DIVESTED OF LIENS**

AND NOW, this 8th day of January 2021, on consideration of the Emanuel R. Mori Motion for Sale of Property Free and Divested of Liens to for \$128,000.00, after a Zoom Video Conference Hearing held, this date, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion/Complaint for private sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

December 7, 2020

1st Mortgage holder: \$44,139.78 (claim 12)

The Bank of New York Mellon, successor to
The Bank of New York, not in its individual
capacity but solely as Trustee on behalf of the
Holders of the CIT Mortgage Loan Trust,
2007-1 Asset-Backed Certificates, Series
2007-1, c/o Select Portfolio Servicing Inc.,

By ECF Email Noticing & U.S.Mail

Pre-Petition Library Tax: \$7.00 (claim 2)

December 7, 2020

City/School District of Pittsburgh
c/o Goehring Rutter & Boehm
437 Grant Street, 14th Floor
Pittsburgh, PA 15219
By ECF Email Noticing & U.S.Mail

Pre-Petition Water & Sewage: \$598.21 (claim 3)

December 7, 2020

Pittsburgh Water and Sewage Authority (PWSA)
c/o Goehring Rutter & Boehm
437 Grant Street, 14th Floor
Pittsburgh, PA 15219
By ECF Email Noticing & U.S.Mail

NO LIEN:

December 7, 2020

Allegheny County
c/o Goehring Rutter & Boehm
437 Grant Street, 14th Floor
Pittsburgh, PA 15219
By ECF Email Noticing & U.S.Mail

NO LIEN:

December 7, 2020

Ronda J. Winnecour, Chapter 13 Trustee - By ECF
Email Noticing (No Lien)

NO LIEN:

December 7, 2020

United States Trustee's Office, by ECF Email
Noticing

NO LIEN:

December 7, 2020

Arnold A. Barnabei, Esquire, Office of Chief
Counsel, PA Dept Rev., Dept. 281061, Harrisburg,
PA 17128-1061, U.S. Mail

NO LIEN:

December 7, 2020

Jill L. Locnikar, Esq, Assistant United States
Attorney, US Post Office & Courthouse, 700 Grant
St. Suite 4000, Pittsburgh, PA 15219.

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.

was

** (3) That said sale hearing ~~shall be~~ ~~XXXXXX~~ duly advertised as follows:

- a. Entered into the EASI System on **December 7, 2020** pursuant to *W.P.A LBR 6004-1(c)(2)*
- b. Published in the Pittsburgh Legal Journal on **December 14, 2020**
- c. Published in the Pittsburgh Post Gazette on **December 11, 2020**

** (4) That at the sale hearing the highest/best offer received was that of the ~~XXXX~~ Purchaser, listed below and no objections to the sale were made which would result in cancellation of said sale.

** (5) That the price of **\$128,000.00** offered by Ryan Adams, ~~was~~ was a full and fair price for the property in question. Purchaser

(6) That the Purchaser has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

Now therefore, IT IS ORDERED, ADJUDGED AND DECREED that the sale by Special Warranty deed of the real property described as **4621 Carroll Street Pittsburgh, PA 15224** is hereby **CONFIRMED to Ryan Adams for \$128,000.00**, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchaser above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. ~~Except to the extent specifically authorized herein, all closing funds shall be held by Counsel for Movant pending for the Order of this Court after notice and hearing.~~

**

(1) The following lien(s)/claim(s) of Emanuel R. Mori in the amounts of:

a. The Bank of New York Mellon, successor to
The Bank of New York, not in its individual
capacity but solely as Trustee on behalf of the
Holders of the CIT Mortgage Loan Trust,
2007-1 Asset-Backed Certificates, Series, (1st mortgage)
Pay off TBD at closing est. at: **\$44,139.78**

(2) City and School District of Pittsburgh
pre-petition Library Tax TBD at closing est. at **\$7.00***

(3) Pittsburgh Water and Sewer Authority
pre-petition Library Tax TBD at closing est. at **\$598.21***

* The actual amounts shall be determined at closing, which shall require Payment in full of (a) all current real estate taxes and municipal claims, both of which shall be pro-rated between Buyer and Seller through the date of closing.

(4) The Court approved realtor commission
which represents 6% of the gross sales price plus \$295.00. **\$7,975.00**

(5) Estimated closing expenses: **\$4,977.75**

| | |
|----------------------------------|------------|
| a) Settlement or Closing Fee | \$225.00 |
| b) Deed Pre and Notary fee | \$225.00 |
| c) Municipal Inspection | \$500.00 |
| d) Dye Test: | \$25.00 |
| e) Courier fee: | \$11.75 |
| f) Tax Certification | \$125.00 |
| g) Wire Fee: | \$17.00 |
| h) Satisfaction Fee: | \$150.00 |
| i) Notary Fee: | \$10.00 |
| j) State and Local Transfer Tax; | \$3,200.00 |
| k) Home Warranty: | \$489.00 |

(6) Court approved attorney fees and costs payable to "Bryan P. Keenan &
Associates at 993 Greentree Road, Suite 101, Pittsburgh, PA. 15220"; **\$5,546.90**

* On November 25, 2020 at Document No. 119 the court approved the Application of Bryan Keenan, Esquire for Interim Compensation and Reimbursement of Expenses as Counsel for the Debtor for services rendered and expenses incurred for the period from March 12, 2018 through November 4, 2020.

(7) The Reimbursement of Costs payable to "Bryan P. Keenan & Associates \$2,084.80
993 Greentree Road, Suite 101, Pittsburgh, PA. 15220" estimated at;

a. Pittsburgh Post Gazette Advertising \$1,131.00

b. Pittsburgh Legal Journal \$772.80

c. Court Filing Fee \$181.00

(8) ESTIMATED MONIES NEEDED TO PAY CAPITAL GAINS TAX: \$12,444.00

payable to "Emanuel R. Mori 801 Limestone Drive

Allison Park, PA 15101." After the Debtor receives these funds, any monies not paid for

Capital Gains Tax are to be paid to the Chapter 13 Trustee.

* The property was purchased for \$5,000.00.

(9) Estimated Chapter 13 Trustee "percentage fees" payable \$3,700.00 *
to "Ronda J. Winnecour, Ch. 13 Trustee, P.O. Box 2587
Pittsburgh, PA. 15230;"

* This figure includes the court approved attorney fees to be paid at closing,

(10) Estimated Net proceeds payable to "Ronda J. Winnecour, Ch. 13 Trustee" \$46,526.56
PO Box 84051 Chicago, IL 60689-4002.

THE TRUSTEE SHALL NOT DISBURSE THE PROCEEDS UNTIL THE COURT MAKES A
FINAL DETERMINATION IS AS TO WHETHER THE PROCEEDS SHALL BE USED FOR
GENERAL PLAN FUNDING OR USED FOR PAYMENT OF TIMELY-FILED, ALLOWED
UNSECURED NON PRIORITY CLAIMS.

FURTHER ORDERED that:

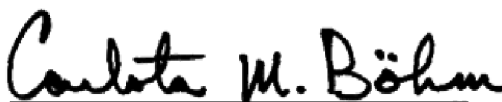
(1) Closing shall occur within thirty (30) days of this Order and, within five (5) days
following closing, the Movant/Plaintiff shall file a report of sale which shall include a copy of the HUD-1
or other Settlement Statement;

(2) This Sale Confirmation Order survives any dismissal or conversion of the within case;

and,

(3) Within five (5) days of the date of this Order, the Movant/Plaintiff shall serve a copy of
the within Order on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of
record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the
debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of
service.

BY THE COURT


Carlota M. Böhm _{glb}

Chief United States Bankruptcy Judge

FILED
1/8/21 12:57 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
Emanuel R. Mori
Debtor(s)

Case No. 18-21179-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jan 08, 2021

User: bsil
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|------------|
|--------|------------|

| | |
|---|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
|---|--|

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 10, 2021:

| Recip ID | Recipient Name and Address |
|----------|---|
| db | + Emanuel R. Mori, 801 Limestone Drive, Allison Park, PA 15101-4225 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 10, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 8, 2021 at the address(es) listed below:

| Name | Email Address |
|-------------------|--|
| Andrew L. Spivack | on behalf of Creditor HSBC Bank USA National Association ET AL andrew.spivack@brockandscott.com wbcef@brockandscott.com |
| Brian Nicholas | on behalf of Creditor The Bank of New York Mellon successor to The Bank of New York, not in its individual capacity but solely as Trustee on behalf of the holders of the CIT Mortgage Loan Trust, 2007-1 Asset-Backed Certif bnicholas@kmlawgroup.com |
| Brian Nicholas | on behalf of Creditor The Bank Of New York Mellon As Trustee Et Al bnicholas@kmlawgroup.com |
| Bryan P. Keenan | on behalf of Debtor Emanuel R. Mori keenan662@gmail.com melindap662@gmail.com |
| Harry B. Reese | on behalf of Creditor Bayview Loan Servicing LLC bankruptcy@powerskirn.com |

District/off: 0315-2

User: bsil

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Date Rcvd: Jan 08, 2021

Form ID: pdf900

Total Noticed: 1

| | |
|-------------------------------------|--|
| James A. Prostko | on behalf of Creditor HSBC BANK USA NATIONAL ASSOCIATION AS TRUSTEE ET. AL. pawb@fedphe.com |
| Jeffrey R. Hunt | on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com cnoroski@grblaw.com |
| Jeffrey R. Hunt | on behalf of Creditor County of Allegheny jhunt@grblaw.com cnoroski@grblaw.com |
| Jeffrey R. Hunt | on behalf of Creditor City & School District of Pittsburgh jhunt@grblaw.com cnoroski@grblaw.com |
| Jerome B. Blank | on behalf of Creditor The Bank Of New York Mellon As Trustee Et Al pawb@fedphe.com |
| Jill Manuel-Coughlin | on behalf of Creditor Bayview Loan Servicing LLC bankruptcy@powerskirm.com |
| Keri P. Ebeck | on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com |
| Kevin M Buttery | on behalf of Creditor THE BANK OF NEW YORK MELLON AS TRUSTEE FOR CIT MORTGAGE LOAN TRUST 2007-1 kbuttery@rascrane.com |
| Lauren Berschler Karl | on behalf of Creditor THE BANK OF NEW YORK MELLON AS TRUSTEE FOR CIT MORTGAGE LOAN TRUST 2007-1 lkarl@rascrane.com, lbkarl03@yahoo.com |
| Office of the United States Trustee | ustpregion03.pi.ecf@usdoj.gov |
| Robert Davidow | on behalf of Creditor HSBC BANK USA NATIONAL ASSOCIATION AS TRUSTEE ET. AL. robert.davidow@phelanhallinan.com |
| Ronda J. Winnecour | cmecf@chapter13trusteewdpa.com |
| S. James Wallace | on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com |
| Sarah Kathleen McCaffery | on behalf of Creditor Community Loan Servicing LLC f/k/a Bayview Loan Servicing, LLC bankruptcy@powerskirm.com |
| Thomas Song | on behalf of Creditor HSBC BANK USA NATIONAL ASSOCIATION AS TRUSTEE ET. AL. pawb@fedphe.com |
| TOTAL: 20 | |